



After the Khartoum Agreement: Boundary Making and the 32 States in South Sudan

BY DOUGLAS JOHNSON, ALY VERJEE AND MATTHEW PRITCHARD

The Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) signed on 12 September 2018, not only allows for a new government and security arrangements, it also provides for two new commissions to decide the number of internal states and their boundaries. In the following Q and A, RVI fellows Douglas Johnson (DJ) and Aly Verjee (AV), joined by Matthew Pritchard (MP), US Institute of Peace researcher, discuss the history of boundary-making in South Sudan, and the prospects for the new commissions to resolve the underlying disagreements.

RVI: Why does boundary-making matter in South Sudan today?

DJ: Territorial boundaries in South Sudan, as in any country, are used to define administrative units and political constituencies, which in turn determine the allocation of state resources, the local ownership of natural resources such as water and grazing, and the level of administrative responsibility and political representation. Where boundaries are drawn can create new majorities and minorities, consolidating or dividing neighbouring communities, which in turn, affects the balance of local power and redefines ownership of natural resources.

Unlike Sudan's 1983-2005 civil war, South Sudan's civil war is not a territorial conflict between two distinct parts of the nation. The government and the armed opposition have each proposed different numbers and versions of federal states for the nation, but these are currently applied only in the areas each controls. In addition to this, other opposition groups—which do not have a significant armed presence on the ground—have proposed other versions of federal states to represent their own political constituencies.

MP: To understand why boundary making matters, we should move beyond a technocratic definition of 'boundaries' as lines on a map. Rather than ahistorical or apolitical givens, boundaries and the territories they define, create and are created by historically-rooted debates over power, identity, and political authority. When boundaries are understood as both symbols and manifestations of power relations, boundary making can be regarded as a complex process of territorialisation that simultaneously defines, and is defined by changing social, political, and economic relations.

Debating the definition and delimitation of boundaries is by no means new to South Sudan. The recent creation of 32 new states, however, has shifted the existing contestation over representation and access to resources from payam and county levels, to that of the state. Escalating to the administrative level of the state increases incentives for communities to use restrictive definitions of ethnicity and territorial belonging to justify exclusive access to and control over previously shared resources.

AV: The conflict and subsequent peace process has internationalized the exercise of internal boundary-making in South Sudan. The exercise has become a regional affair, with neighbouring countries now implicated in the determination of South Sudan's internal state boundaries, complicating the domestic debates.

RVI: What is the history of internal state boundaries in Southern Sudan, prior to independence in 2011?

DJ: Boundaries of provinces or states in Southern or South Sudan have rarely been fixed for long. Province boundaries were periodically redrawn during the Anglo-Egyptian Condominium for a variety of reasons. Sometimes communities that were in conflict with each other were placed within the same province to make it simpler for

the administration to regulate and resolve the conflicts. For example, the part of Greater Upper Nile that became Jonglei Province grew to absorb Nuer, Dinka, Anuak, and Murle in order that a single administration could try to bring an end to disputes between them. Sometimes improvements of infrastructure enabled the transfer of districts from one province to another. The Zande districts of Yambio and Tambura were originally part of Bahr el-Ghazal Province because they were already linked to Wau by 19th century caravan routes. It was only after east-west roads between Juba and the Congo border improved in the 1930s that the Azande were transferred to Equatoria.

Transfers of districts between provinces during the Condominium were worked out at the local level between governors and district commissioners before being ratified by the central government in Khartoum. There were further divisions after independence. Prior to the division of the old provinces into two as a result of the devolution policy introduced in 1976, there had been extensive local consultation. Local opinion was sought but not always followed: the mostly Dinka people of Yirol proposed that they should be grouped together with their Nuer and Mandari neighbours, the better to resolve the numerous disputes between them, but Yirol remained part of Lakes Province, and Dinka separate from Nuer and Mandari.

The creation of federal states in the 1990s could not include the same local level consultation because most of the rural areas of Southern Sudan lay outside government control. Consultation was limited to intellectuals and community leaders within government-controlled areas, though some decisions were completely arbitrary: For example, Warrap was created as Southern Sudan's tenth state to please the then governor of Bahr el-Ghazal, who wanted his home area to be made a state.

South Sudan's internal boundaries in 2005, at the beginning of the Interim Period of the Comprehensive Peace Agreement (CPA), were a combination of federal state boundaries created by Khartoum, and local administrative boundaries created by the SPLA in their liberated areas. Since 2005, and especially since independence in 2011, South Sudan has alternated between trying to merge these two systems and replacing them with an entirely new system.

Previously, during the interim CPA period, IGAD set up two boundary commissions, one, quite reasonably, to determine the 1956 province boundary lines between Bahr el-Ghazal and Upper Nile provinces boundaries with their northern neighbours, and the other to settle the status of Abyei. The former has still not completed its work; the latter had its boundary redrawn by the [Permanent Court of Arbitration](#) in The Hague, but the status of Abyei is still undetermined. Both examples illustrate the limitations of boundary commissions in settling political disputes.

From 2005-2011, boundary disputes were mainly at the county level, sometimes to gain control of particular resources, sometimes to increase the population of a county in competition for government resources.

RVI: Why do internal state boundaries remain contentious in South Sudan?

MP: Defining or changing internal boundaries is contentious as it involves the spatial reconfiguration of power. These processes of territorialisation establish the administrative framework of state-society relations, and in doing so, necessarily create new majority and minority communities. In turn, these new majorities and minorities deploy competing narratives of historic occupation and identity to solidify access to political and land-based resources in a changing environment.

In South Sudan, the challenges inherent in defining or changing internal boundaries have been exacerbated by the manner in which new states were created. Regardless of whether or not the creation of new states violated South Sudan's 2011 Transitional Constitution and the original 2015 ARCSS peace agreement, the decision intensified existing uncertainty over the nature of political representation, local authority, and resource access.

In a context where community boundaries have evolved over centuries of migration and displacement, this uncertainty has increased incentives for historically interdependent communities to compete for exclusive access to and control over political and economic resources. As internal boundaries become more contested and politicised, communities with overlapping rights turn instead to narrow definitions of social, political, and territorial belonging to secure access to land,

political representation, and the benefits (real and perceived) that flow from the central state.

AV: Throughout the 2013-15 peace talks, the opposition advocated for the introduction of twenty-one states, based on colonial district boundaries, to replace the then ten states of South Sudan. The opposition argued that the creation of new states would lead to a more de-centralised, more effective government, and improve service delivery. At that time, the government opposed the formation of new states as inefficient and unnecessarily costly, and argued the ten states be retained.

The 2015 ARCSS extended power sharing to the state level of government, still on the basis of ten states. The governorships of Unity and Upper Nile states were allocated to the opposition, with the incumbent government retaining the governorship of Jonglei state. The opposition also gained a share of political positions in the other seven states. The government was displeased with the allocation of political positions to the opposition, and the creation of 28 (later increased to 32) states—hastily announced and not clearly demarcated—should be read, in part, as a reaction to the peace agreement’s power sharing arrangements.

RVI: *Why did IGAD propose a boundary commission in January 2016?*

AV: Recognising that the new states could well exacerbate conflict, and that the government would not lightly reverse the decision, IGAD hoped the creation of a short term, national boundary commission might prevent further acrimony. The commission was to review the proposed states and their boundaries, and that ‘in the event there are outstanding disputes at the end of the boundary commission review process, the Parties should revert to the provisions of the [2015] agreement.’ All IGAD member states, including South Sudan, consented to this proposal, which was formalized in an IGAD summit [communiqué](#). The commission proposed in 2016 was not intended as a long-term response to broader questions of power and governance implied by the creation of new states and the re-configuration of sub-national boundaries. It was a specific policy response to contemporary events, and a desire to see the implementation of the 2015 ARCSS agreement proceed. But the commission was never formed, and the new states remain in existence.

RVI: *Is there a definitive map of internal state boundaries that could help resolve the states issue?*

DJ: Since there is no accepted definition of the number of states, and their basis for statehood, there are no maps that can be used to establish their modern boundaries. A combination of maps can be used to recreate the 1956 provincial boundaries at independence, but it is more difficult to do so for district boundaries (which some of the new states follow, but in some cases, also deviate from).

The 1:250,000 Sudan Survey maps are the most detailed, but even these maps sometimes trace “approximate” boundary lines through large blank spaces on the map where no topographical data has been filled in. The Sudan Survey Department stopped adding topographical detail some time after 1936. Blank spaces on the maps are blank merely because administrators were not visiting those areas.

Rural councils replaced districts in 1960, and editions of maps produced after that date do show the rural council boundaries, but not all of the 1:250,000 maps were reissued to do so. Sheet 3 of the 1:2,000,000 maps shows most of the three original Southern Provinces (except a small section north of Renk), and a comparison of editions from around 1955 and 1956 which show district boundaries with maps produced after 1960 showing rural council boundaries, will give an idea of how those boundaries diverged. However, the scale doesn’t give enough detail to plot these boundaries on the ground.

RVI: *What are the implications of the provisions of the September 2018 peace agreement to address state boundaries in South Sudan?*

AV: The September 2018 R-ARCSS proposed the establishment of two bodies responding to the states issue, namely an Independent Boundaries Commission (IBC) and a Technical Boundary Committee (TBC). The IBC is ‘to consider the number of states...their boundaries, the composition and restructuring of the Council of States and to make recommendations on the same.’ The TBC is ‘to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956 and the tribal areas in dispute in the country.’

IGAD has not yet established either commission, falling behind the R-ARCSS schedule. Yet the

number of states is a political, rather than technical issue. Therefore, any attempt to solve the issue depends on a broader negotiation and agreement on the nature of the South Sudanese state, and exceeds the IBC mandate. The TBC's mandate may seem more realistic, however as Douglas Johnson points out, there is no definitive map of states nor tribal areas as they existed on 1 January 1956, and the notion that the 1956 divisions represent an authentic, original and undisputed expression of tribal homelands, ignores the fluidity of identity, rights and politics in the nearly seven ensuing decades.

MP: The process of defining and delimiting boundaries increases uncertainty over the nature of political representation and local authority. Communities that benefitted from the new states will work to deepen control over land and local authority while those that lost out, will push for change based on competing, but equally exclusive, definitions of identity and territorial rights. State and sub-state boundaries will become more politicised and contested. The potential to gain or lose access to land and political representation will increase incentives for officials to consolidate support around new ethno-territorial polities.

The creation of the TBC and the IBC implies that on-going disputes over identity, authority, and representation can be resolved by fixing lines on a map. Although the number of administrative units is relevant to governance and service delivery, there is little evidence that any number of states will resolve disputes rooted in competing visions of state-society relations and decentralisation. Without addressing on-going debates over service delivery and the nature of federalism, new boundaries simply shift current and future disputes to lower administrative levels.

At the same time, the process of defining and demarcating boundaries is an expression of state power. As such, there is a very real possibility that the IBC and the government responsible for

implementing the IBC's decisions regarding the number of states, will choose to maintain the political and economic status quo instead of pushing for substantive social, political, and territorial reforms.

DJ: The boundary commission has been given a specific deadline to decide internal boundaries for the whole nation. If the commission fails to agree, the issue will then be decided by referendum, which risks more conflict as constituencies vie to control territory.

Unlike the devolution process of 1975-6, all decisions about new states since 2011 have been made top-down, imposed either by command of the armed opposition or by the central government in Juba. Decrees have been made prior to any constitutional definition of the powers assigned to the central government and the federal states. There has been no local consultation. Rather, it has been a competitive process with the government and its armed opponents seeking to shore up local support through appointments of new state governors and their ministerial cabinets.

The state issue is constitutional and political, not territorial. Whether 32, 28, 25, or 23 states are to make up a [new federal system](#), what must be agreed first are the powers reserved to the central government and the federal states, and the powers that are to be held concurrently between them. The criteria for creating states: demography, relations between different communities, infrastructure, economic viability, revenue to be paid by the states to the central government and revenues to be distributed back to the states, is unclear. Are the states to have the sole decision on the election of governors, or is the president of the republic still to retain the power of appointment and dismissal? Only once these issues have been decided can consultations and surveys, similar to those undertaken in 1975-6, begin. Boundary making must follow, not precede the resolution to these fundamental questions.



Credits

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